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Attorneys for Defendant Triangle Tube

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FRANCISCO L. HERRERA and JOANNA
HERRERA, Co-Wrongful Death
Representatives, for the exclusive
benefit of the beneficiaries of MONICA
HERRERA, deceased, who have sustained
damages from her wrongfully caused death,

Plaintiffs,

-vs-

GREGORY BUCKINGHAM and DEBORAH
BUCKINGHAM, but in their individual capacities
as Trustees of the BUCKINGHAM FAMILY
TRUST; and GREGORY BUCKINGHAM and
DEBORAH BUCKINGHAM, as individual
defendants; and WYOMING MECHANICAL,
INC., a Wyoming Corporation; TRIANGLE
TUBE/PHASE III CO. INC., a New Jersey
Corporation; and M&G GROUP DURAVENT,
INC., a New York Corporation,

Defendants.

Case No.: 2:15-cv-00128-NDF

CORRECTED EXHIBIT C
TO TRIANGLE TUBE'S MOTION FOR SUMMARY JUDGMENT AS TO WYOMING
MECHANICAL'S CROSS CLAIM

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2016, I served **CORRECTED EXHIBIT C TO TRIANGLE TUBE'S MOTION FOR SUMMARY JUDGMENT AS TO WYOMING MECHANICAL'S CROSS CLAIM** upon:

David Lewis
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via the Court's ECF filing system.

/s/Cheryl E. Ballew
Cheryl E. Ballew

02:59:30 p.m. 08-27-2015 17

AUG-27-2015 15:31 From:

To: 3076375515

P.17/25

Dave Gieck

From: Dave Gieck [dave@wyomingmechanical.com]
Sent: Tuesday, February 03, 2015 9 28 AM
To: 'schul3rdavid@gmail.com'
Subject: Boiler Replacement

David will you please pass this along to Greg as I don't have his email address.

Thanks Dave

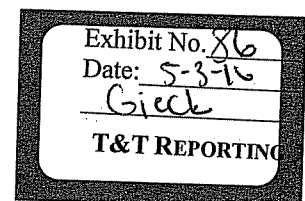
Greg,

After looking into the boiler system yesterday with both Shan Noe one of my mechanics and also your caretaker Dave. We were unable to find any type of loud banging upon firing the boiler. It was apparent at one of the 90 degree vent elbows that it had come apart at some point. We ran a combustion analysis on the system and found it to be within acceptable parameters. I am not confident in the boiler system in place, since I cannot replicate the banging problem that pushed the exhaust pipe apart. It is my recommendation that we pull the Triangle tube boiler out and replace it with a Lochinvar unit and also replace the venting and use CPVC piping to the side wall exhaust. I strongly recommend the use of CO detectors in the home. Please confirm that this is the step you would like to take to move forward in getting permanent heat back on in your home. I can have this work completed Wednesday the 4th. We would also change of the glycol in the system at this time.

Best Wishes,

Dave Gieck

Wyoming Mechanical Co.
307.733.7337
307.733.7202 fax
307.690.9262 cell
530 Elk Ave
PO Box 2829
Jackson WY 83001



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FRANCISCO HERRERA, and JOANNA
HERRERA, CO-WRONGFUL DEATH
REPRESENTATIVES, for exclusive
benefit of the beneficiaries of
MONICA HERRERA, deceased, who have
sustained Damages from her
wrongfully caused death,

Plaintiffs,

vs.

GREGORY BUCKINGHAM and DEBORAH
BUCKINGHAM, but in their individual
capacities as Trustees of the
BUCKINGHAM FAMILY TRUST; and,
GREGORY BUCKINGHAM and DEBORAH
BUCKINGHAM as individual
defendants; and, WYOMING
MECHANICAL, INC., a Wyoming
Corporation; TRIANGLE TUBE/PHASE
III CO. INC., a New Jersey
Corporation; and, M&G GROUP
DURAVENT, INC., a New York
Corporation,

Defendants.

Civil Action
No.
15-CV-128-F

DEPOSITION OF DAVID GIECK

Tuesday, May 3, 2016, 11:15 a.m.

Jackson, Wyoming

BE IT REMEMBERED that the deposition of
David Gieck was taken by the attorney for the
defendants at The Wort Hotel, Goldpiece Room, 50,
located at 50 Glenwood Street, Jackson, Wyoming,
before Shantae Miller, Court Reporter and Notary
Public, in and for the State of Idaho, in the
above-entitled matter.

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1 A. Yes.

2 Q. It says, consult the vent manufacturer
3 for a complete list of other parts required. I read
4 all of that correctly, right?

5 A. Yes.

6 Q. And this is all under a warning. And a
7 warning has meaning, it's not just an instruction,
8 there are consequences if you don't do what they say
9 under a warning, right?

10 A. Okay.

11 Q. Do you agree with me?

12 A. Yes.

13 Q. This is a manual by Triangle, you
14 understand that?

15 A. Yes.

16 Q. So they're requiring locking rings, you
17 understand that?

18 A. Yes.

19 Q. I don't know the other 25 boilers that
20 were installed by Wyoming Mechanical or the other 40
21 that you testified to earlier today or the dozen that
22 maybe Mr. McCormick had put in the past, but do they
23 all require locking rings, if you know?

24 A. Yes.

25 Q. Can you explain how if Mr. McCormick had

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1 installed a dozen Triangle boilers in the past, how
2 he had never put in a locking ring before?

3 A. I can't explain that.

4 Q. That seems impossible, doesn't it?

5 A. Yes. I can tell you that I don't know
6 how many PP pipe systems he put in. We don't -- PP
7 pipe is not something that we always use, nor have
8 always used.

9 Q. Looking at this same page, page 8,
10 second bullet point, it says, "Maintain 5/8" per foot
11 slope back towards appliance on all horizontal runs."
12 I read that correctly?

13 A. Yes.

14 Q. And there's a horizontal run that runs
15 for about 10 feet in the Buckingham residence,
16 correct?

17 A. Approximately.

18 Q. So if it's .58 inch per foot and you
19 have 10 feet, we're talking roughly about a 5-inch
20 drop from one end to the other. Agreed?

21 A. Agreed.

22 Q. And if he's doing a quarter inch, he's
23 going to get somewhere in the neighborhood of about
24 two-and-a-half inches, right?

25 A. Agree.

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1 urged your people, you asked that they read the
2 literature on the boilers that they are installing or
3 the equipment they are installing, there's no
4 requirement for them to read the manuals; is that
5 right?

6 A. They're -- I don't know if there's any
7 enforceable requirement. I require them to read the
8 manuals.

9 Q. Let's do it this way: Do you do annual
10 reviews of your plumbers?

11 A. No. I have meetings with my guys and
12 just talk about how things are going, but not a
13 formal annual review.

14 Q. Have you ever put a note in anybody's
15 personnel file regarding their failure to read a
16 manual?

17 A. No.

18 Q. Now, on this particular job, Aaron
19 McCormick had no experience with the locking band
20 clasps that were on the DuraVent piping, correct?

21 A. That's what he stated.

22 Q. Did you have any reason to ask him
23 whether he knew about the locking band clasp before
24 he was sent out on the job?

25 A. I didn't know that DuraVent was even